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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,166	12/14/2001	Richard L. Underhill	KCC 4758; KC #15,646A	5860
321	7590	08/16/2004	EXAMINER	
SENNIGER POWERS LEAVITT AND ROEDEL ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			REICHL, KARIN M	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 10/017,166	Applicant(s) UNDERHILL ET AL.	
	Examiner Karin M. Reichle	Art Unit 3761	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-5, 7-9, 19-23, 25-27 and 50-53.

Claim(s) withdrawn from consideration: 6, 10-18, 24 and 28-49.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

K.M. Reichle
Karin M. Reichle
Primary Examiner
Art Unit: 3761

Continuation of 2. NOTE: The proposed amendment does not satisfy the objections raised in paragraph 5 of the FINAL because as set forth on page 26 of the instant specification and in the paragraph 5 the absorbent body maintains more than twenty grams of liquid available for flowback ~~for about one minute~~ not ~~after one minute~~ as now proposed in claims 1 and 19. Similar comments also apply to the amendments proposed to claims 50-53. With regard to Applicant's remarks bridging pages 18-20, and thus bridging pages 17-18 and page 20, first full paragraph, Examiner's interpretation of the claim language is commensurate with the scope of the specification as originally filed wherein the quantities of liquid available for flow back according to the Flowback Test with a two zoned absorbent body as claimed were disclosed only with respect to the specific absorbent body as set forth in paragraph 7 of the FINAL not any construction described as argued. It is further noted that Berg at the cited portions does teach the absorbent body construction asserted by the PTO as being required because the reference teaches an acquisition zone 56, the first zone, and equal sized zones on either side thereof, the second zone, see Figures. Berg further incorporates the teachings of Buell '003 which teaches the narrowest width of the core is between 1-6 inches, e.g. 5 inches. Berg further teaches that the zone 56 is transversely centered, comprises less than about 50% of the top surface area of the front zone 50, and can be rectangular shaped both in cross-section and top surface area, i.e. the first zone can 2.5 inches or less in width and the portions on either side can each be at least 1.25 inches in width. Berg also discloses the zone 56 can be entirely wood pulp fluff while the portions on either side can be a mixture of wood pulp fluff and superabsorbent with the superabsorbent being about 40 percent by weight. None of the Applicants other remarks provide proof either that the claimed flow back characteristics are not inherent or necessarily and inevitably present in the same structure of Berg, see MPEP 2112.01(V).